

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN R. BELITZ,  
Petitioner,

CASE NO. C10-5130 RBL

STATE OF WASHINGTON,  
Respondent.

ORDER FINDING REPORT AND  
RECOMMENDATION MOOT AND  
RE-REFERRING CAUSE OF  
ACTION TO MAGISTRATE JUDGE

The Magistrate Judge filed a Report and Recommendation recommending denial of Petitioner's application to proceed *in forma pauperis*, as it appeared that he had sufficient funds to pay the \$5.00 filing fee. Subsequently, the docket reflects that Petitioner has paid the filing fee. At the same time, his habeas corpus petition has been filed. Petitioner having paid the filing fee, the Report and Recommendation has become moot. The matter will be referred again to the Magistrate Judge to address the petition for habeas corpus.

The Court having reviewed the Report and Recommendation of the United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) Petitioner having paid the filing fee, the Report and Recommendation is found to be MOOT and is STRICKEN from the Court's calendar;
- (2) This matter is RE-REFERRED to the Magistrate Judge;

(3) The Clerk is directed to send copies of this Order to Petitioner, and the Honorable J. Richard Creature.

DATED this 19<sup>th</sup> day of April, 2010.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE